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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 MICHAEL SANZARO,

9 Plaintiff(s),

10 v.

11 VALORIE J. VEGA, et al.,

12 Defendant(s).
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2:12-CV-1980 JCM (PAL)

15 **ORDER**

16 Presently before the court is a referral notice from the Ninth Circuit. (Doc. # 17).

17 Plaintiff sued defendants, Valorie J. Vega and Philip M. Pro for violations of his
18 constitutional rights under the First, Fifth, Ninth, and Fourteenth Amendments. Vega is a state court
19 judge for the Eighth Judicial District of Nevada. Pro is a United States District Judge for the District
20 of Nevada. Plaintiff alleged that Judges Vega and Pro's decisions and actions as judges violated his
21 constitutional rights. Magistrate Judge Leen properly screened the in forma pauperis complaint and
22 issued a report and recommendation. (Doc. # 2). Plaintiff filed objections. (Doc. # 4). This court
23 considered the objections and dismissed the complaint and action with prejudice. (Doc. # 10).¹

24 Plaintiff then filed a motion to disqualify this court and a motion for reconsideration. (Docs.
25 # 12, 13). The court denied both motions. (Doc. # 14). The instant appeal followed. (Doc. # 15).

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28 ¹ The court also considered and denied a motion to transfer by plaintiff. (Doc. # 10).

1 The court finds that the appeal is not taken in good faith and that the appeal is frivolous. The
2 magistrate judge and this court have dismissed plaintiff's claims against Judges Vega and Pro on the
3 basis of judicial immunity. Plaintiff's claims—that Judge Vega and Pro's adverse rulings violated his
4 constitutional rights—have been foreclosed by the United States Supreme Court, *see Mireles v. Waco*,
5 502 U.S. 9, 11-12 (1991).²

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that, in response to the Ninth
8 Circuit's referral notice (doc. # 17), the court certifies that the appeal is frivolous and not taken in
9 good faith.

10 DATED April 1, 2013.

11 
12 UNITED STATES DISTRICT JUDGE
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27 ² The appellate court, however, may grant in forma pauperis status on appeal. *See O'Neal v. Price*, 531 F.3d
28 1146, 1149 (9th Cir. 2008) (“[S]ubsections (a)(4) and (5) of Rule 24 of the Federal Rules of Appellate Procedure give litigants a procedural route for challenging the trial court’s certification.”).